

### Remarks

This is responsive to the first Office Action (Paper No. 7) mailed February 9, 2004, which rejected all pending claims 1-30.

The Applicant has hereinabove provided certain amendments to the specification and claims. The title of the specification has been amended to better conform to the claimed subject matter. The paragraph beginning on page 16, line 5 has been amended to improve the readability thereof. No new matter has been added.

Claims 1-30 have been cancelled without prejudice and new claims 31-50 have been added. New independent claim 31 generally features positioning a data transducer to write servo data to a recording surface using a positioning signal from a servo writer apparatus in combination with a readback signal transduced by the data transducer from previously written servo data on the recording surface. Support for this claim language is found including in the original language of claim 1 (step (c), lines 10-16), the diagram of FIG. 5 and the specification at page 16, beginning at line 5.

New dependent claim 32 features the use of the servo writer apparatus to position the data transducer to write the previously written servo data to the recording surface. See page 15, line 27 through page 16, line 4 and FIG. 5.

New dependent claim 33 generally features the servo data as written by a write element of the data transducer with the respective servo data portions separated in relation to the distance between the write and read elements. See page 18, lines 19-29.

New dependent claim 34 generally features incrementally advancing the data transducer until the read element is positioned over the previously written servo data to measure an offset distance between the read element and the write element. See page 18, lines 19-29.

New dependent claim 35 further generally features dividing the offset distance into a plurality of track intervals, and wherein the positioning step further comprises writing the servo data in relation to said track intervals. See page 18, line 30 to page 19, line 8.

New dependent claim 36 generally features determining a zero acceleration path (ZAP) from the transduced readback signal to account for mechanical disturbances during said positioning, and wherein the data transducer is positioned in relation to said determined ZAP. See page 15, lines 5-20 and page 17, lines 1-17.

New dependent claim 37 generally features the servo writer apparatus as employing a push pin which advances the data transducer and a measurement system which measures a position of the push pin to derive positioning signal from the servo writer apparatus. See FIG. 5.

New dependent claim 38 generally features the servo data written during the positioning step as comprising servo position burst patterns which provides intra-track positioning data for an associated track on the recording surface. See FIG. 4 and page 12, lines 3-14. New dependent claim 39 generally features the servo data written during the positioning step comprises track address data used to identify a particular track on the recording surface. See FIG. 4 and page 12, lines 3-14. New dependent claim 40 generally features the data transducer and the recording surface of the positioning step as being incorporated into a data storage device. See FIG. 1.

New claims 41-50 are apparatus claims generally corresponding to the method claims 31-40 discussed above, and support is found in the specification and drawings accordingly.

These claim amendments broaden the claimed subject matter by eliminating limitations unnecessary for patentability, and improve the readability of the claims. As

discussed below, these claim amendments were unnecessary to distinguish over the cited references and therefore these amendments are not provided for purposes of patentability and will have no preclusive effect during subsequent proceedings. These amendments do not introduce new matter and serve to place the application in condition for reconsideration and allowance.

#### **Claim of Domestic Priority**

The Applicant notes that the Office Action summary page fails to indicate the claim of domestic priority by the present application to U.S. Provisional Patent Application No. 60/235,592 filed September 27, 2000. This is believed to be an inadvertent oversight and is brought to the attention of the Examiner merely for completeness and to avoid prejudice.

#### **Acceptance of Drawings**

The Applicant gratefully acknowledges acceptance of the formal drawings filed with the application.

#### **Objection to Claims**

The first Office Action objected to claims 20-30 as being indefinite. This objection has been obviated by the cancellation of these claims.

#### **Rejection of Claims Under 35 U.S.C. §102(e)**

The first Office Action rejected claims 1-30 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,519,107 issued to Ehrlich et al. ("Ehrlich '107").

This rejection is obviated by the cancellation of claims 1-30, but is nevertheless respectfully traversed on the basis that Ehrlich '107 fails to disclose the originally claimed subject matter of claim 1-30 (see e.g., step (c) of claim 1). The patentability of new, broader claims 31-50 over this reference will now be discussed.

Ehrlich '107 fails to disclose positioning a data transducer to write servo data to a recording surface *using a positioning signal from a servo writer apparatus in combination with a readback signal transduced by the data transducer* from previously written servo data on the recording surface, as claimed by claim 31.

Ehrlich '107 uses a servo writer apparatus to position data transducers of a disc drive to write a first set of servo data to corresponding recording surfaces. Thereafter, Ehrlich '107 removes the disc drive from the servo writer apparatus, and causes the disc drive to perform "self-servo writing" to provide the remaining servo data using this previously written servo data as a reference. See col. 6, lines 12-33; col. 9, lines 40-55; col. 11 line 64 to col. 12, line 17; col. 12, lines 48-56; and FIGS. 6A, 8. Nowhere does Ehrlich '107 disclose combining a positioning signal from a servo writer apparatus and a transduced readback signal from the transducer, as claimed, during the writing of the servo data.

Accordingly, independent claim 31 stands patentable over Ehrlich '107 as well as the other art of record. The Applicant requests examination and allowance of claim 31 as well as of the claims depending therefrom.

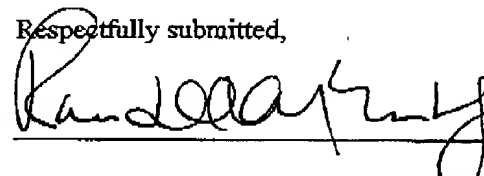
Likewise, as independent claim 41 similarly stands patentable over Ehrlich '107 and the other art of record, the Applicant requests examination and allowance of claim 41 as well as of the claims depending therefrom.

Conclusion

This is intended to be a complete response to the first Office Action (Paper No. 7) mailed February 9, 2004. The Applicant requests that the Examiner reconsider the application and allow all the claims therein. The Examiner is invited to contact the Attorneys listed below should any questions arise concerning this response.

Respectfully submitted,

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